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Docket No.: 213048US2S RD

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COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/931,105

Applicants: Hiroshi YOSHIDA, et al.

Filing Date: August 17, 2001

For: FREQUENCY SYNTHESIZER AND MULTI-BAND
RADIO APPARATUS USING SAID FREQUENCY
SYNTHESIZER

Group Art Unit: 2645

Examiner: HASHEM, L.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 212648US2SRD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

HIROSHI YOSHIDA ET AL : EXAMINER: HASHEM, L.

SERIAL NO: 09/931,105 :

FILED: AUGUST 17, 2001 : GROUP ART UNIT: 2645

FOR: FREQUENCY SYNTHESIZER AND :
MULTI-BAND RADIO APPARATUS
USING SAID FREQUENCY
SYNTHESIZER

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated December 16, 2004, Applicants provisionally elect with traverse Group I, Claims 1-10, drawn to a system including a frequency synthesizer comprising synthesizers generating signals having a plurality of desired frequencies, classified in class 455, subclass 183.1, for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

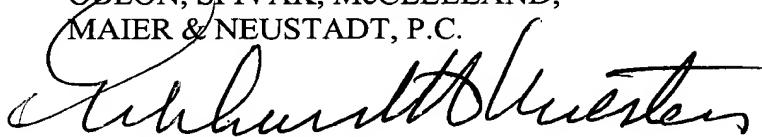
Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of

sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain numerous separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group and single species be withdrawn, and that a full examination on the merits of Claims 1-15 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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